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By:

[Signature]
Sarah M. Barnett

PATENT

Customer Number 22,852

Attorney Docket No. 04121.0103-05000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

) Group Art Unit: 1637

BAUER, John C. et al.

) Examiner: Kenneth R. Horlick

Application No.: 10/811,062

) Confirmation No. 8060

Filed: March 25, 2004

For: CIRCULAR SITE-DIRECTED
MUTAGENESIS

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

RESPONSE

Applicants now respond to the Office Action mailed July 24, 2006 ("Action").

The Examiner rejected claims 18-24 under the judicially created doctrine of obviousness-type double patenting in view of claims 1-4 of U.S. Patent No. 5,789,166; claims 1-7 of U.S. Patent No. 5,932,419; claims 1-11 of U.S. Patent No. 6,391,548; and claims 5-12 of U.S. Patent No. 6,713,285. Action at page 2, item no. 2.

Solely to expedite prosecution, and without acquiescing to the Examiner's rejection, Applicants enclose a Terminal Disclaimer from each of the two co-assignees Stratagene California and Children's Medical Center Corporation with respect to U.S.

Patent Nos. 5,789,166, 5,932,419, 6,391,548, and 6,713,285. In accordance with the fee schedule set forth in 37 C.F.R. § 1.20(d), the total required fees of \$260.00 for two Terminal Disclaimers are submitted herewith.

Applicants acknowledge with appreciation the Examiner's withdrawal of the art rejections made previously. Action at page 3, item no. 3.

Conclusion


Applicants respectfully assert that the application is in condition for allowance and request the timely issuance of a Notice of Allowance. If the Examiner does not consider the application to be in condition for allowance, Applicants request that he contact the undersigned at (650) 849-6749 to set up an interview.

Please grant any extensions of time required to enter this response and charge any additional fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 24, 2006

By: 
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